



CONSERVATION COMMISSION
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2005 OCT 18 AM 11:12
NORTON TOWN CLERK

Monday, September 12, 2005
7:00 pm

Attendance

Julian Kadish (Chairman), Earl Willcott (Vice-Chairman)
Ron O'Reilly, Kathleen Giblin, Bob Medeiros,
Jennifer Carlino, Conservation Agent

Lisa Carrozza & Eileen King were absent.

Minutes

The draft minutes for **June 13, 2005** were not available at the meeting and review of the minutes was postponed until the next regular meeting.

The draft minutes for **July 11, 2005** were not available at the meeting and review of the minutes was postponed until the next regular meeting.

The draft minutes for **July 25, 2005** were not available at the meeting and review of the minutes was postponed until the next regular meeting.

The draft minutes for **August 22, 2005** were not available at the meeting and review of the minutes was postponed until the next regular meeting.

The members reviewed the Bills Payable Sheet (Nextel). Kathleen Giblin made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (ESS Group, Inc.). Bob Medeiros made a motion, seconded by Ron O'Reilly, to hold the bill until the discussion with the ESS Group, Inc. later on in the meeting. Approved.

The members reviewed a Notice of Intent – (#250-636) - **Edward R. Woods, Jr., Trustee, Rapwood Nominee Trust —Parcel 37-1 (assessors map 31) John Scott Boulevard – (cont. from the July 11, 2005, July 25, 2005 & August 22, 2005 mtgs.)** - for proposed plans to fill and replicate wetlands and bank for a driveway, construct a house, septic system, utilities and grading in a Riverfront Area. Julian Kadish read a letter written by the applicant's engineer, Kevin Walker requesting a continuance of the public hearing until the next regular meeting of Monday, September 26, 2005 in order that the information requested in a letter from the agent dated August 29, 2005 may be obtained to include having the botanist that originally flagged the property review the site again. The letter stated that the

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vernal pool found on the property would be added to the submitted plans. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, September 26, 2005 at 7:06 pm. Approved.

The members reviewed a Notice of Intent – **(#250-682) – Edward Breault – Parcel 73-23 (assessors map 25) 23 King Phillip Road – (cont. from the August 22, 2005 mtg.)** - for proposed plans to remodel an existing house within 100 feet of Lake Winnecunnet. Ed Breault described the project to the members. He stated the existing impervious surface is 1900 sq. ft. and will be changed to 1400 sq. ft. Mr. Breault stated the existing foundation is 44 ft. x 28 ft. and will be 38 ft. x 27 ft. after all remodeling is completed. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-679) – Angelo Pasqualino/P & A Construction – system with related grading within 100 feet of Lot 9, Parcel 9 (assessors map 13) Lincoln Street – (cont. from the August 22, 2005 mtg.)** - for proposed plans to construct a house, driveway, utilities, sewage disposal wetlands. Bob Medeiros recused himself from the public hearing. The applicant was present along with his engineer, Earl Chartier of RIM Engineering, who described the project to the members. He stated the response from Natural Heritage had been received and that the project would not have an adverse impact. Earl Willcott made a motion, seconded by Ron O'Reilly to close the public hearing. Approved. Earl Willcott made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-683) – Angelo Pasqualino/Teddy Realty Trust – Lot 11, Parcel 233 (assessors map 17) 10 Johnson Road** – for proposed plans to construct a 36' x 60' house, driveway, sewer disposal system and utilities with related grading within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. The applicant was present along with his engineer, Earl Chartier of RIM Engineering who described the project to the members. He stated siltation control would be used for this project. Mr. Chartier stated most of the work was outside of the drainage easement. Jennifer Carlino asked Mr. Pasqualino why the driveway could not go straight in from the road and leave a larger buffer to the wetlands. Mr. Pasqualino stated this would not be possible because the owners wanted to construct a side entrance garage. Kathleen Giblin asked Mr. Pasqualino why the foundation was installed before this permit was issued. He stated that he and his engineer thought a permit had already been issued for this lot. Jennifer Carlino requested the lack of communication between Mr. Pasqualino and his engineer be corrected. Mr. Chartier stated the driveway could be revised to be installed 25 feet from the wetlands and he would submit the revised plans to the Commission. Jennifer Carlino stated a response from Natural Heritage would be needed before this hearing could be closed. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, September 26, 2005 at 7:20 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #852) – Bishop Realty Trust – Parcel 101 (assessors map 21) – 24 Cottage Street** – for proposed plans to repair a septic system within 100 feet of wetlands. Bob Collierin of Hutchins-Trowbridge Engineering presented the project to the members. He stated the owners were selling the house and the existing

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system failed the Title V inspection. Mr. Collerin stated the proposed system would be 84 feet from the wetlands but the grading would be 75 feet away. Jennifer Carlino stated a revised plan had been received today. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination of Applicability, as long as the work was done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **(#250-678) – Angelo Pasqualino/Teddy Realty Trust – Lot A, Johnson Road & Lot 3, Mill Lane, Parcels 224 & 229 (assessors map 17) 18 Johnson Road** – for proposed plans to construct a house with attached garage, porch, sewage disposal system, driveway, utilities, with related grading within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. The applicant was present along with his Attorney, Dick Bland, and his engineer, Earl Chartier of RIM Engineering. Mr. Chartier submitted revised plans showing the siltation line. Mr. Bland presented a plan outlining the Conservation Restriction area that was proposed to be granted to the town. Mr. Bland also pointed out three existing vernal pools. He stated originally the Commission had requested the applicant access the two lots on Mill Lane by way of these two lots, to avoid a substantial wetland crossing. Mr. Bland explained that if three driveways were constructed, the upland areas between the three existing vernal pools would be divided and the purpose of this filing is to provide for a common driveway around the vernal pools. He stated that a common driveway would provide access for three houses rather than having three separate driveways. Mr. Bland stated that after several meetings with the Planning Board, the board finally approved the construction of a common driveway. He stated there was one change on the plan submitted at this hearing and the plan approved by the Planning Board and that is the graveled travel area within the 30 foot easement. Mr. Bland said the approved plan allowed for a traveled gravel area of 12 inches deep by 16 feet wide, but the Fire Department insisted on the traveled gravel area to be 18 feet wide. He said there will be an easement along the common driveway consisting of an eight inch water main pipe for the Fire Department and two fire hydrants. Jennifer Carlino requested the applicant to submit revised plans to show erosion control at the vernal pools and submit a detailed plan of the proposed retaining wall. She mentioned that a response from Natural Heritage was outstanding. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, September 26, 2005 at 7:22 pm. Approved.

The members reviewed a Notice of Intent – **(#250-684) – Michael Powers – Parcel 175 (assessors map 16) – 69 Freeman Street** – for proposed plans to replant the wetland vegetation along the bank of the Norton Reservoir. Michael and Susan Powers were present at the public hearing. Susan Powers described to the members their plan to restore the disturbed wetlands. Jennifer Carlino asked about the existing dock and bridge and Ms. Powers stated the dock and bridge would remain as is. Ron O'Reilly asked Mr. & Mrs. Powers how they intended on keeping heavy equipment at least 25 feet from the Reservoir. Mrs. Powers replied the heavy equipment at one time was there only to remove large debris left on site by the previous owners of the property. She stated she had no intentions of having heavy equipment on the site in the future. Jennifer Carlino suggested to Mr. & Mrs. Powers to plant trees or

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shrubs along the 25 foot no-touch area to be used as a visual barrier. Jennifer Carlino stated a DEP file number had not been assigned to this project yet. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing for a file number until the next regular meeting of Monday, September 26, 2005 at 7:25 pm. Approved.

Next on the agenda was - Carl Neilsen, ESS Group, Inc. – **Lake Winnecunnet Study**. Carl Neilsen of the ESS Group, Inc. addressed the Commission. Julian Kadish asked Mr. Neilsen to inform the members of what additional information they could expect and to update the members on what has been done so far. Mr. Neilsen passed out a progress report to each member. He stated the land use map would have to be finalized. He stated that they will define how each subbasin or drainage area within the watershed contributes to the lake. Mr. Neilsen said he would be going out next Friday to finish up the biological surveys particularly the rare species plants and animals. He said a second minnow trapping would be performed in order to check for bridal shiners. Mr. Neilsen stated the phosphorous levels need to be checked and documented as to how much actually remains in the lake which is very important if herbicides will be used to treat unwanted plant growth. Mr. Neilsen briefly went through the submitted report with the members. Kathleen Giblin asked how much longer data would be collected and Mr. Neilsen replied that next Friday would be the last field day for the study. He stated that he expected to have a draft study completed by late October or early November. Jennifer Carlino asked Mr. Neilsen about the seasonal reports that are required per his contract. He stated four reports or updates were already submitted to the commission. Jennifer Carlino stated only the top sheet was submitted with each invoice.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Thomas Flynn – 35 King Phillip Road** (sewer connection). Bob Medeiros made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Robert Mycue – 18 Maplewood Avenue** (sewer connection). Bob Medeiros made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Richard Dunn – 22 King Phillip Road** (sewer connection). Bob Medeiros made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

Jennifer Carlino noted there were two Conservation Restrictions to be signed by the members. One for **Todd Estates** and one for **Red Mill Village**. Bob Medeiros recused himself from the public hearing and Earl Willcott made a motion, seconded by Kathleen Giblin, to sign the Conservation Restriction for **Todd Estates**. Approved. Bob Medeiros returned to the public hearing. Earl Willcott asked Kara Brewton of Thorndike Development if the irrigation well on site was working. She stated that a temporary irrigation well was being used because they were having trouble starting the main irrigation well. She stated no town water was being used at this time. Earl Willcott stated he noticed several residential sprinklers in operation during the dry spell and asked Ms. Brewton to notify the residents of

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the temporary water ban that was in place at this time and she agreed she would do so. Jennifer Carlino reminded Ms. Brewton to complete the retaining wall at the meeting house as well as the other retaining wall during this dry season. Bob Medeiros made a motion, seconded by Kathleen Giblin, to sign the Conservation Restriction for **Red Mill Village**. Approved.

Jennifer Carlino noted the Shpack site work was beginning. The site was being cleared for dewatering and the sorting pad. She stated an application would be received soon for the railroad crossing on Union Street.

Jennifer Carlino noted she inspected the TPC golf course and there were no problems.

Jennifer Carlino noted the first bridge has been constructed for the River Oaks project on Shelly Road.

Jennifer Carlino noted that in regards to the Arrowhead project on North Washington, the basins were graded, utilities were in and the replication areas were dug.

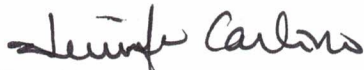
Jennifer Carlino noted that Town Counsel was preparing the injunction for the violation at 123 Freeman Street.

Jennifer Carlino noted the pre-bid meeting for the Norton Reservoir dredging project had been held. She stated 10 – 12 companies requested RFPs and 10 showed up at the pre-bid meeting.

Discussion ensued regarding the irrigation at Red Mill Village. Earl Willcott asked

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:45 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb